

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**NAKED WINES LLC**, an Oregon domestic  
limited liability company,

Plaintiff,

v.

**MUSTACHE MENTORS, INC. d/b/a NAKED  
REBEL WINERY**, a Delaware corporation, and  
**MUSTACHE MENTORS, LLC d/b/a NAKED  
REBEL WINERY**, a California limited liability  
company,

Defendants.

**Case No. 3:13-cv-00402-HZ**

**CONSENT JUDGMENT**

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The parties, having agreed to settle this matter, and further having agreed to the entry of the following Order, it is hereby Ordered, Adjudged, and Decreed as follows:

1. This Court has jurisdiction over Plaintiff Naked Wines LLC d/b/a Naked Winery ("Naked Winery"), Defendant Mustache Mentors, Inc. d/b/a Naked Rebel Winery, and Defendant Mustache Mentors, LLC d/b/a Naked Rebel Winery (Defendants, collectively, "Naked Rebel Winery"), and of the subject matter of this action.

2. This Consent Judgment is subject to all terms of the settlement agreement entered into by and between the parties.

**CONSENT JUDGMENT**

3. Naked Winery was and is the sole owner of the entire right, title, and interest in and to the following United States Trademark Registrations (collectively, "the Asserted Marks"), including all rights of recover for infringement:

Mark	U.S. TM Reg. No.	Goods	Date of First Use in Commerce
NAKED WINERY	3,597,649	wine; natural wines; table wines; white wines; and red wine	November 30, 2005
NAKED WINERY + design	3,502,269	wine; natural wines; table wines; white wine; and red wine	July 5, 2007
NAKED WINERY VIXEN	3,693,297	wine; natural wines; table wines; white wines; and red wine	June 26, 2009
NAKED WINERY NAUGHTY	3,677,064	Wine; natural wines; tables wines; white wine	June 29, 2009
NAKED WINERY DIVA	3,828,747	wine; natural wines; table wines; white wines; and red wine	April 16, 2010

4. Each of the Asserted Marks is valid and enforceable.

5. Naked Rebel Winery, its principals, directors, officers, agents, servants, employees, receivers, trustees, successors, and assigns, who receive notice of this Order, and all other persons in active participation with them, or under their control, are hereby permanently enjoined during the life of each of the Asserted Marks from any acts of infringement of any of the Asserted Marks.

6. Naked Rebel Winery, its principals, directors, officers, agents, servants, employees, receivers, trustees, successors, and assigns, who receive notice of this Order, and all other persons acting in concert or participation with them, or under their control, are hereby permanently enjoined and restrained from using the terms NAKED, NAKED REBEL, NAKED REBEL WINERY, or any name, mark, or domain (including but not limited to WWW.NAKEDREBELWINERY.COM) that includes the term NAKED, or any confusingly similar term or terms, in any form, font, or style, for any product, product name, brand, designation, trademark, or service mark, including but not limited to use on signage, product

CONSENT JUDGMENT

labels, in advertising, or use on or in association with a website or user name.

7. Naked Rebel Winery is precluded from raising any issues, including counterclaims or defenses, in subsequent litigation, which could have been raised in this action.

8. This Court retains jurisdiction of this matter as necessary to resolve disputes, if any, arising between Naked Winery and Naked Rebel Winery, insofar as it relates to the subject matter of this lawsuit.

9. The parties hereto waive appeal from this Consent Judgment, as well as any and all other challenges to it in any way.

10. Each party shall bear its own costs and attorney fees.

CONSENTED AND AGREED TO BY:  
NAKED WINES LLC

David Barringer, president  
[Name & Title]  
Date: 3/29/2013

CONSENTED AND AGREED TO BY:  
MUSTACHE MENTORS, INC. d/b/a  
NAKED REBEL WINERY

Andrew Forsythe President  
[Name & Title]  
Date: 3-26-2013

CONSENTED AND AGREED TO BY:  
MUSTACHE MENTORS, LLC d/b/a  
NAKED REBEL WINERY

Andrew Forsythe President  
[Name & Title]  
Date: 3-26-2013

IT IS SO ORDERED:

4.6.13

Marco A. Hernandez  
Marco A. Hernandez  
United States District Judge

CONSENT JUDGMENT